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09/668,042	09/21/2000	Steven M. Gootter	100281-10200	9076

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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 03/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,042

Applicant(s)

GOOTTER ET AL.

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 January 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 4, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,183,043 B1 to Nelson.

Nelson discloses in Figures 1-40 a quick release mounting arrangement that includes all the limitation recited in claims 1, 3, 4, and 8-10. Nelson shows a seat receiving structure 18 (Fig. 12) having recessed portions 338, 363 (Fig. 12) adapted to receive a pair of elongate members 16 (Fig. 12) which form part of the seat; a lever-operated rotatable locking element 328 (Fig. 12) rotatably supported on the seat receiving structure and selectively rotatable between a first position wherein

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engagement of between the rotatable locking element and the elongate members is absent and a second position wherein the elongate members are engaged by the rotatable locking element; and a base member 372 (Fig. 14) connected to a chassis 14 (Fig. 14) by a lever operated clamp 382 (Fig. 14) having a cam 383 (Fig. 14) cooperating with a shaft 377 (Fig. 14) to force the engagement of clamp members.

3. Claims 1, 3, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,228,796 to Kao.

Kao discloses in Figures 1-4 a quick release mounting arrangement that includes all the limitation recited in claims 1, 3, and 8. Kao shows a seat receiving structure 6, 6' (Fig. 1) having recessed portions 61, 61' (Fig. 1) adapted to receive a pair of elongate members 7, 7' (Fig. 1) which form part of the seat; a lever-operated rotatable locking element 12 (Fig. 1) rotatably supported on the seat receiving structure and selectively rotatable between a first position wherein engagement of between the rotatable locking element and the elongate members is absent and a second position wherein the elongate members are engaged by the rotatable locking element; and a base member 5 (Fig. 1) connected to a chassis 8 (Fig. 1) by a lever operated clamp 9 (Fig. 1) having a cam 91 (Fig. 1) forcing engagement of clamp members.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of U.S. Patent No. 6,213,553 B1 to Fitz.

Kao shows a quick release mounting arrangement that is basically the same as that recited in claims 2 and 6 except that it lacks a resilient biasing member, as recited in the claims. Fitz discloses a mounting arrangement similar to that of Kao wherein the seat receiving structure 6 (Fig. 3) connects to the base member 20, 20' (Fig. 3) through a resilient biasing arrangement to enable the user to sway from side to side. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the quick release mounting arrangement of Kao such that a resilient biasing arrangement operatively interconnecting the seat receiving structure with the base member, such as the mounting arrangement disclosed by Fitz. One would have been motivated to make such a modification in view of the suggestion in Fitz that the mounting arrangement provides tilting action to prevent back pain while riding.

6. Claims 4, 7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of Fitz as applied to claims 2 and 6 above, and further in view of U.S. Patent No. 4,836,604 to Romano.

Kao, as modified, discloses a quick release mounting arrangement that is basically the same as that recited in claims 4, 7, 9, and 10, as best understood, except that the lever operated clamp is not supported on a shaft disposed through apertures in

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clamp members, as recited in the claims. Romano shows a mounting arrangement that is similar to that of Kao wherein the lever operated clamp 24 (Fig. 1) has a cam 16 (Fig. 1) and the lever 26 (Fig. 1) is rotatably supported on a shaft 14 (Fig. 1) disposed through apertures formed in the first clamp member 9 (Fig. 2) and second clamp member 5 (Fig. 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the quick release mounting arrangement of Kao such that the clamp lever is supported on a shaft that is disposed through apertures formed in the clamp members, such as the mounting arrangement disclosed by Romano. One would have been motivated to make such a modification in view of the suggestion in Romano that mounting arrangement does not require tools or assistance to adjust the attitude of the seat.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kao in view of U.S. Patent No. 4,772,069 to Szymiski.

Kao discloses a quick release mounting arrangement that is basically the same as that recited in claim 5 except that the recesses in the seat receiving structure lack detents to resist movement, as recited in the claim. Szymiski shows a mounting system similar to that of Kao wherein the seat receiving structure 50 (Fig. 2) receives the elongated member 56 (Fig. 2) in a recess 46 (Fig. 2) where a detent 38 (Fig. 2) is provided to resist movement of the elongated members with a predetermined force. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the quick release mounting arrangement of Kao such

that detents are provided to resist movement of the elongated members of the seat frame out of the recesses with a predetermined force, such as the mounting arrangement disclosed by Szymiski. One would have been motivated to make such a modification in view of the suggestion in Szymiski that mounting configuration with the detent resisting movement provides a simple mechanism for easily and rapidly adjusting the longitudinal position of the seat.

Response to Arguments

8. Applicant's arguments filed 29 January 2002 have been fully considered but they are not persuasive.

The Applicant argues that the quick release mounting arrangement of Nelson does not disclose a "rotatable locking element". Further, the Applicant alleges that lever 328 (Fig. 12) of Nelson is an actuating cam lever for actuating the locking system and is not a lever-operated rotatable locking element; and that clamps parts 336, 337, 361, and 362 (Fig. 12) of Nelson slide to lock and do not rotate. Locking element 328 (Fig. 12) of Nelson rotates around pivot 326 (Fig. 12) and has two positions: an unengaged first position and an engaged second position. In the first position, the locking element does not engage the elongate members 16 (Fig. 12) and the elongate members are removable. The second position is when the locking element is *rotated* into a locked position wherein the elongate members are engaged/locked in position solely as a result of the locking element (i.e. "the elongate members are engaged by the rotatable locking element and locked in position"). Also

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9. Similarly, the Applicant argues that the quick release mounting arrangement of Kao does not disclose a "rotatable locking element", citing that element 12 (Fig. 1) of Kao is merely an actuating lever for actuating the locking system. Figures 2 and 3 of Kao clearly show that the rotation of the locking element 12 (Fig. 2) corresponds to a first unlocked position (Fig. 2) and a second locked position (Fig. 3). The locking of the elongate members 7,7' (Fig. 2) of Kao results solely from the rotation of the locking element 12 (Fig. 2).

10. The rejections under 35 USC 103(a) drawn toward claims 2, 4, 6, 7, 9, and 10 were argued solely on the premise that the cited art does not teach or suggest the rotatable locking element defined in amended claims 1, 6, and 8, and as a result the above 35 USC 103(a) rejections of claims 2, 4, 6, 7, 9, and 10 remain.

Upon consideration of the Applicant's arguments, Examiner maintains the rejections of claims 1-10.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE 
March 14, 2002


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600